

REMARKS

Claims 15-30 stand rejected. Claims 15, 17, 19, 22, 24, 26, and 27 are amended. Claim 25 is cancelled. Claims 15-24 and 26 -30 remain pending.

Claim 15 is amended to recite the sleeve extends from the optical connector to at least the distal face of the optical fiber core. Support is found in the specification and drawings (See eg. Figure 6) as filed. No new matter is added.

Claims 17, 19, and 22 are amended to address the Examiner's objections with respect to antecedent basis. No new matter is added. Withdrawal of the objection is requested.

Claims 24 is amended to recite the step of forming a closed tissue penetrating tip disposed distal of the distal portion of the optical fiber. No new matter is added.

Claims 26 and 27 are amended to depend from Claim 24 in view of the cancellation of claim 25.

102 Rejections:

Claims 15-16 and 30 are rejected as anticipated by Dalton (6,138,046). It is respectfully urged this rejection is improper for at least the following reasons.

Claim 15 recites, in part, enclosing the optical fiber core in a continuous, uninterrupted sleeve, wherein the sleeve has a length at least substantially the length of the optical fiber core extending from the optical connector to at least the distal face of the optical fiber core.

The Examiner states that Dalton provides this teaching, and refers to Figure 1; column 8, lines 28-38 and column 9, lines 61-67). It is respectfully urged that the Examiner is mistaken in the Examiner's reading of the cited portions of Dalton.

First, it is respectfully urged that Figure 1 of Dalton does not teach the above length characteristic of the sleeve. In particular, Figure 1 in Dalton does not appear to show a connector.

Second column 8, lines 28-38 relied on by the Examiner discloses optical fiber 12 and dosimetry fibers 20 are housed in a sheath 30, and that tip of the fiber 12 is just inside the distal end of the sheath. It is respectfully urged that this portion of Dalton does not teach that the sheath 30 extends in any particular manner with respect to a connector.

Third, column 9, lines 61-67 relied on by the Examiner discloses that:

"The scattered interstitial light enters the distal end of the dosimetry fibers 20 through the transparent sheath 30 . . . and passes down the axial length of the dosimetry fibers 20 to contact with, or be focused into detector electronics. For example, the light output of each of the plurality of dosimetry fibers may be coupled, for example using an SMA connector, into a multi-channel light measuring device having a photodiode mounted near the proximal ends of the dosimetry optical fibers 20 to detect the scattered light."

(The cited portion extends into column 10 of Dalton)

It is respectfully urged that this portion of Dalton relied on by the Examiner merely states that the light output of the each the dosimetry fibers 20 may be coupled to a connector. In particular, it is not seen how Dalton teaches or suggests the sheath 30 has a length at least substantially the length of the optical fiber core extending from the optical connector to at

least the distal face of the optical fiber core. Accordingly, the Examiner is respectfully requested to withdraw this rejection, or to provide an explanation of how the Dalton reference teaches the subject matter of Claim 15 in a non-final office action.

Similarly, with respect to Claim 30, it is respectfully urged that the portions of Dalton relied upon by the Examiner do not teach or suggest providing a light transmitting sleeve around the optical fiber and extending in a continuous, uninterrupted fashion from the connector to a distal portion of the optical fiber. Accordingly, withdrawal of the rejection is requested.

103 Rejections

Claims 24 and 29 are rejected as obvious over Thielen (6,315,755). It is respectfully urged that this rejection is improper for at least the following reasons.

Claim 24 has been amended to recite forming a closed, tissue penetrating tip. It is respectfully urged that Thielen does not teach or suggest forming a closed tissue penetrating tip. Accordingly, withdrawal of the rejection is requested.

Double patenting rejection

The Examiner is respectfully urged to hold the double patenting rejection in abeyance until allowable subject matter is identified.

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Respectfully submitted,

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